

REMARKS

Responsive to the Examiner's Action of July 1, 2007, the time to respond to which is extended by petition and is now set to expire on December 3, 2007, Applicant provides additional information regarding the Rule 131 Declaration.

Examiner states, "Applicant has failed to provide specific evidence that he worked diligently from just prior to February 22, 2000 or April 26, 2000 until an actual reduction to practice date of February 15, 2001." Applicant provides herewith an explanation of the diary entries that indicate specifically for each of the entries the actions completed to further the reduction to practice, showing unequivocally that he did not abandon, suppress or conceal the invention.

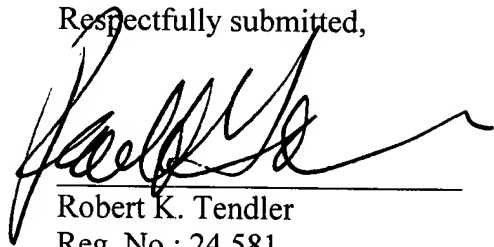
Moreover, it has long since been held that month-to-month activity is clearly sufficient to establish diligence and that no excuse therefor is necessary in the subject case.

Applicant's work product is contained in the indicated files, which constitute lab notebook entries that are more than just mere thought processes but rather documents that establish diligence. Again, it has long been held that lab notebook entries, however sparse, are evidence of activity that indicate the inventor did not wish to abandon, suppress or conceal his invention.

Applicant provides herewith a Supplemental Rule 131 Declaration that swears to the facts asserted in his commentary on the entries.

In view of this Amendment and the removal of the references, it is Applicant's contention that the claims are in condition for allowance. Allowance of the claims and issuance of the case are therefore earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert K. Tandler", written over a horizontal line.

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